

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DINOSAUR FINANCIAL GROUP LLC,  
HILDENE CAPITAL MANAGEMENT, LLC and  
SWISS LIFE INVESTMENT MANAGEMENT  
AG, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

Case No. 1:22-CV-1860 (KPF)

-v-

S&P GLOBAL, INC., AMERICAN BANKERS  
ASSOCIATION, and FACTSET RESEARCH  
SYSTEMS INC.,

Defendants.

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**[PROPOSED] AMENDED STIPULATION REGARDING PRODUCTION OF  
ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS BY  
BLOOMBERG, L.P.**

The Parties to the above-captioned matter (the “Litigation”), and Non-Party Bloomberg, L.P. (“Bloomberg”), through their undersigned counsel of record, and subject to the approval of the Court, stipulate and agree that the following terms shall apply to Bloomberg’s production of documents responsive to the subpoena issued by FactSet Research Systems, Inc. (“FactSet”) in this Litigation, as well as any deposition of Bloomberg’s corporate designee(s). Except as otherwise provided below, the terms of the Stipulated Protective Order entered on October 17, 2023 (ECF No. 125) will control.

1. The term “Attorneys’ Eyes Only” shall be a designation applied to particularly sensitive Highly Confidential Material (regardless of how it is generated, stored, or maintained) that Bloomberg reasonably and in good

faith believes involves competitively sensitive information that could be used by a Party in this Litigation.

2. Material designated as “Attorney’s Eyes Only” may be disclosed only to:
  - a. Outside counsel (herein defined as any attorney at the parties’ outside law firms);
  - b. Outside experts or consultants retained by outside counsel for purposes of this action, along with any principals and employees of the firms with which such experts or consultants are associated and who are directly involved and assisting in this litigation, provided they have signed a non-disclosure agreement in the form attached to the Stipulated Protective Order as Exhibit A;
  - c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;
  - d. The Court and court personnel;
  - e. Any person who previously authored, received or reviewed a copy of it;
  - f. Any person preparing to provide, or providing, sworn testimony (whether in a deposition, hearing or at trial) may be shown or examined on any information, document or thing designated Confidential if one of the following conditions are met: (i) the witness’s statements, communications, attendance, or actions are expressly mentioned, discussed, or referred to by actual name in the material as indicated on its face; (ii) the witness is an officer or

designee testifying on behalf of a company pursuant to Federal Rule of Civil Procedure 30(b)(6), and the document's subject matter is the subject of a topic designated for the 30(b)(6) witness, and the examining Party has a good-faith basis to believe that the witness has knowledge of information in the document or the document's subject matter is the subject of a topic designated for the 30(b)(6) witness; (iii) the examining Party has a good-faith basis to believe that the witness has or had lawful access to the document; (iv) the witness is a current employee of Bloomberg; (v) the witness is a former employee of Bloomberg and the examining Party has a good-faith basis to believe the witness has or had lawful access to the specific material to be disclosed; or (vi) the person is otherwise permitted access under this Order. Absent any of these circumstances or order of the Court, the Party wishing to use "Attorney's Eyes Only" material in an examination of a witness must obtain consent from Bloomberg.; and

- g. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials.

3. Any material that Bloomberg designates as “Attorney’s Eyes Only” shall be treated as “Protected Material” under the Stipulated Protective Order.
4. “Attorney’s Eyes Only” material must be treated in accordance with the provisions of the Stipulated Protective Order unless and until a ruling from the Court determines otherwise.
5. From the date of a deposition of Bloomberg’s corporate designee(s) pursuant to Federal Rule of Civil Procedure 30(b)(6) until sixty (60) business days after receipt of a final deposition transcript, such transcript shall be deemed Attorney’s Eyes Only Material. Absent a timely written designation of some or all of the final transcript as Confidential Material, Highly Confidential Material, or Attorney’s Eyes Only Material, this presumptive designation shall lapse, unless and until there is a designation pursuant to Paragraph 27 of the Stipulated Protective Order. The Parties agree that, except in unique circumstances, an entire transcript will not ordinarily satisfy the criteria for Protected Material. The designation by Bloomberg of a transcript, exhibit, videotape, or recording (or any portion of these) as Confidential Material, Highly Confidential Material, or Attorney’s Eyes Only Material shall be made in writing and served upon all Counsel of Record and the relevant court reporter. Any designation of a transcript (or portion thereof) shall be treated as a designation of the deposition’s videotape or recording, or portion thereof, and vice-versa. For the avoidance of doubt, this paragraph is meant to replace Paragraph 23 of the Stipulated Protective Order entered on October 17, 2023 (ECF No. 125).

6. For the avoidance of doubt, Paragraph 14 of the Stipulated Protective Order relating to the Designation of Protected Material shall also apply to material designated Attorneys' Eyes Only.
7. For the avoidance of doubt, Paragraph 15 of the Stipulated Protective Order relating to Objections to Confidentiality Designations or Treatment shall also apply to material designated Attorney's Eyes Only.
8. For the avoidance of doubt, Paragraph 27 of the Stipulated Protective Order relating to the Production of Protected Material Without Designation shall also apply to material designated Attorneys' Eyes Only.

SO ORDERED.

Dated: \_\_\_\_\_

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Hon. Katherine Polk Failla  
United States District Judge

Dated: February \_\_, 2025

By: /s/ Sarah Bayer  
Sarah Bayer (*pro hac vice*)  
CONSTANTINE CANNON LLP  
6 East 43rd St., 26th Fl.  
New York, NY 10017  
Tel.: (212) 350-2700  
Fax: (212) 350-2701  
sbayer@constantinecannon.com

W. Stephen Cannon (*pro hac vice*)  
Seth D. Greenstein (*pro hac vice*)  
CONSTANTINE CANNON LLP  
1001 Pennsylvania Ave., NW  
1300N  
Washington, D.C. 20004  
Tel.: (202) 204-3500  
Fax: (202) 204-3501  
scannon@constantinecannon.com  
sgreenstein@constantinecannon.com

Jeffrey I. Shinder  
Ellison A. Snider (*pro hac vice*)  
SHINDER CANTOR LERNER LLP  
14 Penn Plaza, 19th Fl.  
New York, NY 10122  
Tel.: (646) 960-8601  
Fax: (646) 960-8625  
jshinder@constantinecannon.com

James J. Kovacs (*pro hac vice*)  
Keagan H. Potts (*pro hac vice*)  
SHINDER CANTOR LERNER LLP  
600 14th St. NW, 5th Fl.  
Washington, DC 20005  
Tel.: (646) 960-8601  
Fax: (646) 960-8625  
jkovacs@constantinecannon.com

*Attorneys for Defendant FactSet  
Research Systems Inc., on behalf of all  
Defendants*

By: /s/ Leiv Blad  
Leiv Blad  
Jeffrey Blumenfeld *pro hac vice*  
Meg Slachetka  
COMPETITION LAW PARTNERS PLLC  
1101 Pennsylvania Avenue NW  
Washington, DC 20004  
Telephone: (202) 742-4300  
leiv@competitionlawpartners.com  
jeff@competitionlawpartners.com  
meg@competitionlawpartners.com  
*Co-Lead Class Counsel*

By: /s/ Robert N. Kaplan  
Robert N. Kaplan  
Gregory K. Arenson  
Elana Katcher  
KAPLAN FOX & KILSHEIMER LLP  
850 Third Ave., 14th Floor  
New York, NY 10022  
Telephone: (212) 687-1980  
rkaplan@kaplanfox.com  
garenson@kaplanfox.com  
ekatcher@kaplanfox.com  
*Co-Lead Class Counsel*

By: /s/ Ronald J. Aranoff  
David H. Wollmuth  
R. Scott Thompson  
Ronald J. Aranoff  
Ryan A. Kane  
Joshua M. Slocum  
WOLLMUTH MAHER & DEUTSCH  
LLP  
500 Fifth Avenue, 12th Floor  
New York, New York 10110  
Telephone: (212) 382-3300  
dwollmuth@wmd-law.com  
sthompson@wmd-law.com  
raranoff@wmd-law.com  
rkane@wmd-law.com  
jslocum@wmd-law.com  
*Co-Lead Class Counsel*